

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO: 12412 of 2005

Between:

M.Suresh kumar, S/o.Narayana Rao,
R/o.45-1-1/6, Muslim Thaticherlapalem,
Visakhapatnam-16, Visakhapatnam District.

..... PETITIONER

AND

The Addl. Registering Authority & Secretary,
Regional Transport Authority, Visakhapatnam,
Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus declaring the action of the respondent in not registering the petitioner's Semi-articulated Vehicle bearing Temporary Registration Mark CG POT 1481/05 at the time of issuing permanent Registration Certificate and National Permit in respect of the said vehicle by entering the Gross Vehicle weight to be carried in the said vehicle as 45.4 tonnes (restricted to 44 tonnes) as illegal, arbitrary and contrary to law and further direct the respondent to permit the petitioner to carry Gross Vehicle Weight of 45.4 tonnes (restricted to 44 tonnes) in the above vehicle as per Category III (ii) of the schedule to the Notification in the Motor Vehicles Act, 1988 by making necessary entries in the Registration Certificate as well as in permit to be issued in respect of the said Vehicle forthwith; and pass such other or further orders as are necessary.

Counsel for the Petitioner: MR.V.NARASIMHA REDDY

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the stage of admission made the following:

ORDER:

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This writ petition is filed by the petitioner praying to issue a writ of Mandamus declaring the action of the respondent in not registering the petitioner's Semi-articulated Vehicle bearing Temporary Registration Mark CG POT 1481/05 at the time of issuing permanent Registration Certificate and National Permit in respect of the said vehicle by entering the Gross Vehicle weight to be carried in the said vehicle as 45.4 tonnes (restricted to 44 tonnes) as illegal, arbitrary and contrary to law and further direct the respondent to permit the petitioner to carry Gross Vehicle Weight of 45.4 tonnes (restricted to 44 tonnes) in the above vehicle as per Category III (ii) of the schedule to the Notification in the Motor Vehicles Act, 1988 by making necessary entries in the registration Certificate as well as in permit to be issued in respect of the said Vehicle.

2 . According to the petitioner, he is the owner of Semi-articulated goods carriage bearing Temporary Registration Mark referred to earlier. The said vehicle was owned by the petitioner from 02-06-2005. The said vehicle has to be registered and permit has to be obtained from the respondent. As the petitioner intends to increase the capacity of the vehicle for transportation, proposed to replace the 2 Axle Trailer with 3 Axle Trailer so as to carry a maximum of 44 tones though under law entitled to carry 45.2 tonnes as per the schedule to the notification in S.O.728-E dated 18-10-1996. It is stated that in order to have the said effect, the petitioner approached the respondent seeking grant of permission by way of replacement of the trailer. But, as no orders have been passed by the respondent, the petitioner has come up with the present writ petition.

3. At the time of hearing, the learned counsel for the petitioner reiterated the contentions and also referred to the GO issued by the Central Government in S.O.No.728-E dated 18-10-1996 showing the schedule and also the maximum weight permitted under law by the 2 Axle Trailer and 3 Axle Trailer. Therefore, sought for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned Government Pleader.

5. The respondent is directed to pass appropriate orders on the claim of the petitioner, expeditiously, preferably, within a period of three weeks from the date of receipt of a copy of this order, in accordance with law including the notification issued by the Central Government referred to earlier.

6. Accordingly, the writ petition is disposed of. No order as to costs.

S.ANANDA REDDY, J

14th June, 2005

SKM

To

1. The Additional Registering Authority & Secretary,

Regional Transport Authority, Visakhapatnam,
Visakhapatnam District.

2. Two CCs to the G.P for Transport,

High Court Buildings, High Court of A.P.,

Hyderabad (OUT).

3. 2 CD copies